

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4700S.01I
Bill No.: SB 1280
Subject: Children and Minors; Elementary and Secondary Education; Department of
Elementary and Secondary Education; Internet and E-Mail; Liability; Libraries and
Archives; Secretary of State
Type: Original
Date: March 1, 2026

Bill Summary: This proposal creates and modifies provisions relating to access to
pornographic materials.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight notes cost to school districts for implementation of policies, possibly development/software for digital library catalog, additional administrative duties, staff time to review disputes/challenges on age-appropriate content, and potential civil litigation.

FISCAL ANALYSIS

ASSUMPTION

§§182.825, 182.826, & 182.827 – Digital Library Catalog Regulation

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Elementary and Secondary Education** and **Office of the State Public Defender** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation, SB 276 (2025), officials from the **Office of the State Courts Administrator**, and **Missouri Office of Prosecution Services** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation, SB 276 (2025), officials from the **Rolling Hills Consolidate Library** assumed after reading this bill, it is unclear whether this applies only to schools and school libraries or also to public libraries. Public libraries are listed in the first part when defining digital library materials but are not listed in later sections.

Schools and libraries should not have to expend funds to answer challenges from those who are not taxpayers in their districts. Each challenge can cost hundreds of dollars in time and effort spent reviewing and then following up with the concerns listed.

There is a major fiscal impact in that the school or library would have to carry additional insurance for directors and officers to pay any civil judgements awarded, in addition to the legal fees incurred.

It is estimated that this bill would cost the library at least an additional \$50,000 per year in staff costs and insurance premiums, which could escalate to include any court costs and judgements awarded.

In response to similar legislation, SB 276 (2025), officials from the **Mid-Continent Public Library** assumed the proposal will have no fiscal impact on their organization.

Oversight notes §182.826.2 requires school district that offers access to digital library catalogs to appoint an administrator of the digital library catalog.

Oversight notes §182.826.3(2) states each school district shall adopt a resources challenge policy that is easily accessible to the public and which allows any taxpayer in the district to dispute or challenge any resource or material provided or recommended by any school employee, including materials present in the school library or digital library catalog, as explicit sexual material or pornographic for minors. Oversight notes this is not limited to parents of students so schools may receive high volumes of disputes from individuals without primary interest.

Oversight assumes these sections would result in additional costs to schools for the following: development of new policy, staff time or hiring additional staff to review and follow up with disputes or challenges, and disclosure of results through their website. Oversight is unable to determine the individual needs for each district. Therefore, Oversight will reflect a zero or unknown cost in the fiscal note to school districts.

Oversight notes §182.826.4 states a student's parent may bring a civil action, including an action for injunctive relief or for damages, against any school board member, charter school governing body member, or other school official, including library personnel, for a violation of this act that occurs as a result of gross negligence or willful and wanton misconduct, as provided in the act. Therefore, Oversight will reflect a zero (no litigation) or unknown cost to school districts in the fiscal note.

Oversight notes §182.827 requires public schools and public libraries equip the computer or digital library catalog with software that will limit minors' ability to gain access to material that is pornographic for minors or develop and implement a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access or digital library catalog access to material that is pornographic or explicit sexual material. Oversight is unable to determine the individual needs for each district or public library. Therefore, Oversight will reflect a zero (in compliance) or unknown cost to schools and public libraries to implement this provision.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other school districts and public libraries were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – School districts (§182.826)</u> Potential litigation p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost – School districts (§182.827)</u> Implementation of various provisions within the proposal p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost – Public Libraries (§182.827)</u> Implementation of various provisions within the proposal p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Currently, public schools and public libraries are required to take certain actions to prevent minors from accessing pornographic materials on a public access computer. This act adds charter schools, digital library catalogs, and explicit sexual material to these provisions of law.

The act defines a "digital library catalog" as an electronic database, application, or website that lists or provides resources or materials, including, but not limited to, books, electronic books, periodicals, and multimedia content, including, but not limited to, images, audio, and videos. The definition of "public access computer" established in current law is modified to include a computer "or other electronic device" that is located in an elementary or secondary public school,

"charter school", or public library, and is connected to an "electronic" communication system, instead of a "computer" communication system. (§182.825)

A public school or charter school shall provide parents access to the school's digital library catalog provided to students. Additionally, each school district and charter school shall appoint an administrator of the digital library catalog whose duties shall include excluding from the digital library catalog any resource or material that is "explicit sexual material" or "pornographic for minors", as those terms are defined in current law. The identity and workplace location of the administrator of a digital library catalog shall be made available upon request.

Each school district and charter school shall adopt a written educational material challenge policy that is easily accessible to the public. Notice of the challenge policy shall be provided to parents of students at least once per school year as part of a curriculum notice. The policy shall allow any taxpayer in the district to dispute or challenge materials provided or recommended by any school employee as explicit sexual material or pornographic for minors. Additionally, a school district or charter school shall maintain a list disclosing to the public the results of all such disputes or challenges and permanently publish such list on the district's or school's website.

A student's parent or guardian may bring a civil action, including an action for injunctive relief or for damages, against any school board member, charter school governing body member, or other school official, including library personnel, for intentionally or negligently violating the act. If the parent prevails in establishing negligence by a preponderance of the evidence, the court shall award to the parent \$500 per violation plus court costs and reasonable attorney's fees. If the parent prevails in establishing an intentional violation of the act, the court shall award to the parent \$2000 per violation plus court costs and reasonable attorney's fees. (§182.826)

The act adds explicit sexual material to the materials that a public access computer in a public school or public library shall restrict minors from accessing. Charter schools and digital library catalogs are also added to these provisions. A public school, charter school, or public library that provides a public access computer or digital library catalog shall equip every computer or digital library catalog with software that restricts minors' access to material that is pornographic for minors or explicit sexual material, develop and implement by January 1, 2027, a policy that is consistent with community standards and establishes measures to restrict minors from gaining access to such material, or both.

School personnel, in addition to school board members, shall be guilty of a misdemeanor for violating these provisions, and on conviction shall be punished by a fine of not more than \$500 or imprisonment in the county jail for up to one year. The act also establishes a private cause of action for parents for any such violation that occurs as a result of gross negligence or intentional or willful and wanton misconduct.

Finally, the act repeals a provision that certain school officials and library personnel who comply with these provisions shall not be criminally liable or liable for damages that might arise from a

minor gaining access to pornographic materials through the use of a public access computer. (§182.827)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Elementary and Secondary Education
Office of the State Public Defender
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Mid-Continent Public Library
Rolling Hills Consolidated Library



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March 1, 2026



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